IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 502 of 2002
with
C.A. No.9127 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AHMEDABAD CITY TENNIS FOUNDATION

Versus

KAMAL N PARIKH

Appearance:
MR GT DAYANI for the appellant.
RULE SERVED for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 05/02/2003

ORAL JUDGEMENT

With the consent of the parties, the Appeal from Order is taken up for final hearing today.

The respondent herein has filed a suit, being Civil Suit No.2028 of 2002, in the City Civil Court at

Ahmedabad, for a declaration and injunction. The said suit is filed against the Ahmedabad City Tennis Foundation, the appellant herein. In the said suit, the plaintiff has prayed for an interim injunction, which is granted to him. The injunction which was prayed for is to the effect that the defendant may be restrained from implementing the decision, by which the plaintiff is prohibited and prevented from playing tennis at the Ahmedabad City Tennis Foundation. The trial court has granted the injunction, as prayed for by the plaintiff, and the defendant has filed this Appeal from Order, challenging the aforesaid order of the trial court.

At the time of hearing of this appeal, both the sides has sportingly agreed to settle this dispute and the opponent, the original plaintiff of the suit, Shri K.N. Parikh, has submitted a Pursis signed by him. In the said Pursis, he has stated that the charges levelled against him are not correct, as, his view is that he has not done anything wrong. However, ultimately, if the feelings of any member/staff/person are hurt by the conduct or attitude of the plaintiff, he regrets for the same. In view of the aforesaid Pursis of the respondent, i.e., the original plaintiff, learned Advocate for the Appellant, i.e. Ahmedabad City Tennis Foundation, states that the Foundation will withdraw all the proceedings initiated against the opponent, Shri K.N. Parikh, and he will be allowed to play tennis at the said foundation. Respondent Shri K.N. Parikh is also present in the Court and he has assured the Court that he will act with discipline and he will concentrate only in playing the game and he will not act in any manner, which may disturb the decent atmosphere of the Foundation.

In view of the settlement between the parties, now, nothing further is required to be done either in this Appeal from Order or in the original suit. Under the circumstances, the Appeal from Order is permitted to be withdrawn, in view of the Pursis submitted by the respondent and in view of the statement of the learned Advocate for the appellant, i.e. Ahmedabad City Tennis Foundation. In view of that, Shri K.N. Parikh, the opponent of this Appeal from Order, is now permitted to play his natural game of tennis at the Ahmedabad City Tennis Foundation and this unfortunate Chapter is treated to have been closed between the parties.

In view of this settlement, Civil Suit No.2028 of 2002 pending in the City Civil Court, Ahmedabad, is also treated to have been disposed of.

Appeal from Order is accordingly disposed of in view of what is stated above.

In view of the order in the Appeal from Order, Civil Application isalso dispsoed of. Rule is discharged. Ad interim relief is vacated.

Writ of this order to be sent to the City Civil Court forthwith for disposing of the suit accordingly.

5th February, 2003 (P.B. Majmudar, J.)

***

(apj)